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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: MARIA-JOSE BARTUREN, MARIANO FERNANDEZ,  
IGNACIO GONZALEZ AND ELISA GARIJO

Application No. 09/943,563

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

The Examiner must consider and acknowledge receipt of the Reply Brief filed January 22, 2007, via written communication.

MPEP § 1208.03 states:

Under 37 CFR 1.193(b)(1), appellant may file a reply brief as a matter of right.... The primary examiner must then either: (A) acknowledge receipt and entry of the reply brief... or (B) reopen prosecution to respond to the reply brief.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed January 22, 2007; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
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